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OCT 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wolf et al.

Serial No. 10/823,941

Filed: April 14, 2004

For: Self-Condensing pH  
Sensor

Examiner: Kaj K. Olsen

Group Art Unit: 1753

Attorney Docket: 70730.01

VIA FACSIMILE (571) 273-8300

Honorable Commissioner of Patents and Trademarks  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a request for entry in the  
above identified patent application.

☒ Petition to Withdraw Holding of Abandonment

DATED this 25th day of October, 2006.

Respectfully submitted,



Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

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PETITION

A timely executed USPTO Fee Transmittal was submitted and recorded by the USPTO for issuance of patent application 10/823,941 (See Exhibit A).

A Notice of Abandonment was mailed to the Application on October 4, 2006 for failure to timely pay the required issue fee and publication fee (Exhibit B).

Attorney for the Application had a large number of transactions under his Deposit Account (see Exhibit C) but maintained a ending balance of \$2013.98, which was sufficient for issue fee of \$700.00 (publication fee of \$300.00 was for patent application 10/823,941 was charged to the Attorney's Deposit Account).

Applicant requests withdraw of abandonment under CFR Section 1.181.

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10/823,941

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DATED this 25<sup>th</sup> day of October, 2006.

Respectfully submitted,

*Michael E. Klicpera*

Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

Exhibit A  
Fee Transmittal

10/823,941

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**Exhibit B**  
**Notice of Abandonment**

10/823,941

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ENCLOSURE



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,941	04/14/2004	Erich H. Wolf	70830.01	5284

22509 7590 10/04/2006

MICHAEL E. KLICPERA  
PO BOX 573  
LA JOLLA, CA 92038-0573

EXAMINER

OLSEN, KAJ K

ART UNIT PAPER NUMBER

1753

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

2107 10/25/06 11:00 AM COPY

**RECEIVED  
CENTRAL FAX CENTER**

OCT 25 2006

**Notice of Abandonment**

Application No.

10/823,941

Examiner

OLSEN, KAJ K

Applicant(s)

Erich H. Wolf

Art Unit

1753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$700 is due.  
The issue fee required by 37 CFR 1.18 is \$700. The publication fee, if required by 37 CFR 1.18(d), is \$300.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Revised Sept. 2006



Exhibit C  
July 2006 Deposit Account

10/823,941



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

Requested Statement Month: July 2006  
 Deposit Account Number: 502274  
 Name: PATENT TECHNOLOGY, INC  
 Attention: MICHAEL E KLICPERA  
 Address: P O BOX 573  
 City: LAJOLLA  
 State: CA  
 Zip: 92038-0573  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/10	78	10823941	70830.01	1504	\$300.00	\$437.98
07/11	30	E-REPLENISHMENT		9203	-\$999.00	\$1,436.98
07/11	194	10994904	70837.CIP	2253	\$510.00	\$926.98
07/12	34	10950606	70802.DIV2	2252	\$225.00	\$701.98
07/17	62	E-REPLENISHMENT		9203	-\$4,000.00	\$4,701.98
07/18	1	10950606	70802.DIV2	2253	\$285.00	\$4,416.98
07/21	314	PCT/US06/27307	70858.PCT	1601	\$300.00	\$4,116.98
07/21	315	PCT/US06/27307	70858.PCT	1603	\$300.00	\$3,816.98
07/21	316	PCT/US06/27307	70858.PCT	1702	\$1,086.00	\$2,730.98
07/21	317	PCT/US06/27307	70858.PCT	1703	\$384.00	\$2,346.98
07/21	318	PCT/US06/27307	70858.PCT	8007	\$20.00	\$2,326.98
07/26	13	PCT/US06/27608	70856.PCT	1601	\$300.00	\$2,026.98
07/26	15	PCT/US06/27608	70856.PCT	1702	\$1,086.00	\$940.98
07/26	17	PCT/US06/27608	70856.PCT	1703	\$600.00	\$340.98
07/26	16	PCT/US06/27608	70856.PCT	8007	\$20.00	\$320.98
07/26	14	PCT/US06/27608	70856.PCT	1603	\$300.00	\$20.98
07/26	41	E-REPLENISHMENT		9203	-\$2,000.00	\$2,020.98
07/26	42	E-REPLENISHMENT		9203	-\$500.00	\$2,520.98
07/27	3	10994904	70837.CIP	2254	\$285.00	\$2,235.98
07/28	9	PCT/US06/28293	70865.PCT	1601	\$300.00	\$1,935.98
07/28	10	PCT/US06/28293	70865.PCT	1603	\$300.00	\$1,635.98
07/28	11	PCT/US06/28293	70865.PCT	1702	\$1,086.00	\$549.98
07/28	12	PCT/US06/28293	70865.PCT	1703	\$492.00	\$57.98
07/28	13	PCT/US06/28293	70865.PCT	8007	\$20.00	\$37.98
07/31	26	E-REPLENISHMENT		9203	-\$2,000.00	\$2,037.98
07/31	22	PCT/US06/27608	70856.PCT	1703	\$24.00	\$2,013.98

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$737.98	\$8,223.00	\$9,499.00	\$2,013.98

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